

IN THE UNITED STATES DISTRICT COURT
OF THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

YVONNE D. GRANT AND TOMMY JOE,
GRANT

Plaintiffs,

VS.

WILLIAM RAYMOND RATHBUN AND
R & E ENTERPRISES OF MANKATO, INC.

Defendants

CIVIL ACTION NO. _____

EXHIBIT A
INDEX OF ALL DOCUMENTS FILED IN STATE COURT

DESCRIPTION OF DOCUMENT	DATE FILED
A1. Docket Sheet of Dallas County District Court	11/4/2015
A2. Plaintiffs' Original Petition	11/4/2015
A3. Enter Demand for Jury	11/4/2015
A4. Citation to R &E Enterprises of Mankato, Inc.	11/9/2015
A5. Citation to William Rathbun	11/9/2015
A6. Defendants' Original Answer	12/17/2015
A7. Court's Notice of Trial Date	12/19/2015
A8 Defendants' Notice of Removal to State Court	12/21/2015

REGISTER OF ACTIONS

CASE No. DC-15-13502

YVONNE GRANT, et al vs. WILLIAM RATHBUN, et al

§
§
§
§
§
§

Case Type: **MOTOR VEHICLE ACCIDENT**
Date Filed: **11/04/2015**
Location: **298th District Court**

PARTY INFORMATION

DEFENDANT R & E ENTERPRISES OF MANKATO INC

Lead Attorneys
JEFFREY THOMAS LUCKY
Retained
915-533-9313(W)

DEFENDANT RATHBUN, WILLIAM RAY

JEFFREY THOMAS LUCKY
Retained
915-533-9313(W)

PLAINTIFF GRANT, TOMMY JOE

KRISTOFOR HEALD
Retained
214-378-6665(W)

PLAINTIFF GRANT, YVONNE D

KRISTOFOR HEALD
Retained
214-378-6665(W)

EVENTS & ORDERS OF THE COURT

11/04/2015 **OTHER EVENTS AND HEARINGS**
11/04/2015 **NEW CASE FILED (OCA) - CIVIL**
11/04/2015 **ORIGINAL PETITION**
11/04/2015 **ISSUE CITATION**
11/04/2015 **JURY DEMAND**
11/09/2015 **CITATION**
RATHBUN, WILLIAM RAY Unserved
R & E ENTERPRISES OF MANKATO INC Unserved
11/09/2015 **CITATION ISSUED**
12/17/2015 **ORIGINAL ANSWER - GENERAL DENIAL**
11/07/2016 **Jury Trial - Civil** (9:00 AM) (Judicial Officer TOBOLOWSKY, EMILY)

FINANCIAL INFORMATION

11/05/2015	PLAINTIFF GRANT, YVONNE D		
	Total Financial Assessment		333.00
	Total Payments and Credits		333.00
	Balance Due as of 12/21/2015		0.00
11/05/2015	Transaction Assessment		333.00
11/05/2015	CREDIT CARD - TEXFILE Receipt # 65886-2015-DCLK	Grant, Yvonne D	(333.00)
	(DC)		

EXHIBIT A1

\$1,000,000. The amount of monetary relief actually awarded, however, will ultimately be determined by a jury. Plaintiffs also seek pre-judgment and post-judgment interest at the highest legal rate.

III. PARTIES

Plaintiff Yvonne D. Grant is an individual resident of Dallas, Dallas County, Texas. Her driver's license number is *****739 and her social security number is ***-**-377.

Plaintiff Tommy Joe Grant an individual resident of Dallas, Dallas County, Texas.

Defendant William R. Rathbun is an individual resident of Madelia, Watonwan County, MN and may be served with process at 500 Eager Ct. SE, #5, Madelia, MN 56062.

Defendant R & E Enterprises of Mankato, Inc. is a corporation doing business in Mankato, Blue Earth County, MN and may be served with process by serving Bruce Goodrich at 55173 State Hwy 68, Mankato, MN 56001.

IV. JURISDICTION AND VENUE

The Court has jurisdiction over the controversy because the damages are within the jurisdictional limits of this Honorable Court.

This Court has venue over the parties to this action since the incident complained of herein occurred in Dallas County, Texas. Venue therefore is proper in Dallas County, Texas pursuant to the TEXAS CIVIL PRACTICE & REMEDIES CODE §15.002.

V. FACTS

This lawsuit arises out of a motor vehicle collision that occurred on Wednesday, May 14, 2014 on Westmoreland within the city limits of Dallas, Dallas County, Texas. Plaintiff Yvonne D. Grant was operating her vehicle North in 2800 block of S. Westmoreland. Defendant William R. Rathbun had parked his 18-wheeler in a no parking zone when Plaintiff drove up and collided with the back of the 18 wheeler. As a result of the collision, Plaintiff was injured and continues to suffer injuries and damages from this incident.

VI. CAUSES OF ACTION

A. NEGLIGENCE – DEFENDANT WILLIAM R. RATHBUN

At the time of the motor vehicle collision, Defendant William R. Rathbun was operating 18-wheeler negligently. Specifically, Defendant had a duty to exercise ordinary care and operate 18-wheeler reasonably and prudently.

Defendant breached that duty in one or more of the following respects:

1. Defendant failed to keep such proper lookout and attention to the roadway as a person of ordinary prudence would have kept under the same or similar circumstances;
2. Defendant failed to put up any warning signs when he was parked in a traffic lane;
3. Defendant failed to put on his hazard flashers;
4. Defendant failed to safely operate his tractor-trailer;
5. Defendant disregarded a “no parking” zone sign.

Each of the above and foregoing acts and omissions, singularly or in combination, constituted the negligence that was the proximate cause of the motor vehicle collision and consequently the injuries and damages of Plaintiffs.

B. NEGLIGENCE ENTRUSTMENT – DEFENDANT R & E ENTERPRISES OF MANKATO, INC.

As an additional cause of action, Plaintiffs would show that at the time and on the occasion in question, Defendant R & E Enterprises of Mankato, Inc. was the owner of the vehicle driven by Defendant William R. Rathbun. Defendant R & E Enterprises of Mankato, Inc. entrusted the vehicle to Defendant William R. Rathbun. Defendant William R. Rathbun was incompetent, and/or reckless and Defendant R & E Enterprises of Mankato, Inc. knew or should have known that Defendant William R. Rathbun was incompetent, and/or reckless. Defendant William R. Rathbun's negligence on the occasion in question proximately caused the collision.

C. RESPONDEAT SUPERIOR – DEFENDANT R & E ENTERPRISES OF MANKATO, INC.

Additionally, Plaintiffs would show that at the time and on the occasion complained of, Defendant William R. Rathbun was in the course and scope of employment with Defendant R & E Enterprises of Mankato, Inc. thereby making Defendant R & E Enterprises of Mankato, Inc. liable under the doctrine of *Respondeat Superior*.

D. NEGLIGENCE – DEFENDANT R & E ENTERPRISES OF MANKATO, INC.

Defendant R & E Enterprises of Mankato, Inc. failed to properly train and/or supervise Defendant William R. Rathbun in order to prevent such accident.

Each of the above and foregoing acts and omissions, singularly or in combination, constituted the negligence that was the proximate cause of the motor vehicle collision and consequently the injuries and damages of Plaintiffs.

VII. DAMAGES

As a proximate result of Defendants' negligence, Plaintiffs suffered extensive injuries and damages. As a result of Plaintiffs' injuries, Plaintiffs suffered the following damages:

- a. Medical expenses in the past and future;
- b. Lost wages in the past and loss of earning capacity in the future;
- c. Property damage and loss of use of Plaintiffs' vehicle;
- d. Physical pain and suffering in the past and future;
- e. Mental anguish in the past and future;
- f. Physical impairment in the past and future
- g. Loss of consortium; and
- h. Loss of household services; and
- i. All other relief, in law and in equity, to which Plaintiffs may be entitled

VIII. REQUEST FOR DISCLOSURE

Pursuant to Rule 194 of the TEXAS RULES OF CIVIL PROCEDURE Defendants are requested to disclose, within fifty (50) days of service of this request, the information or material described in Rule 194.2 (a)-(l).

IX. DISCOVERY DOCUMENTS

Contemporaneously with this petition, Plaintiffs serve to Defendants Plaintiffs' First Set of Interrogatories, First Request for Admissions, First Request for Production and Request for Privilege Log to Defendants.

X. INTENT TO USE DEFENDANTS' DOCUMENTS

Plaintiffs hereby give notice of intent to utilize items produced in discovery against the party producing same. The authenticity of such items is self-proven per TRCP 193.7.

XI. JURY TRIAL

Plaintiffs demand a trial by jury and include the appropriate jury fees.

XII. U.S. LIFE TABLES

Notice is hereby given to the Defendants that Plaintiffs intend to use the U.S. Life Tables as prepared by the Department of Health and Human Services.

XIII. RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request that Defendants be cited to appear and answer herein, and that upon final hearing thereof, Plaintiffs recover judgment against Defendants for:

1. Plaintiffs' past medical expenses, which are reasonable and customary for the medical care received by Plaintiffs;
2. Plaintiffs' future medical expenses;
3. Plaintiffs' lost wages in the past and loss of earning capacity in the future;
4. Plaintiffs' property damage and loss of use of Plaintiffs' vehicle;
5. Plaintiffs' physical pain and suffering in the past and future in an amount to be determined by the jury;
6. Plaintiffs' mental anguish in the past and future in an amount to be determined by the jury;
7. Plaintiffs' physical impairment in the past and future in an amount to be determined by the jury;
8. Interest on the judgment at the legal rate from the date of judgment;
9. Pre-judgment interest on Plaintiffs' damages as allowed by law;
10. All costs of court;
11. Judgment against Defendants for Plaintiff Tommy Joe Grant's loss of consortium in the past and future in an amount to be determined by the jury;
12. Judgment against Defendants for Plaintiff Tommy Joe Grant's loss of household services in the past and future in an amount to be determined by the jury; and
13. Such other and further relief to which Plaintiffs may be justly entitled.

Respectfully submitted,

EBERSTEIN & WITHERITE, LLP

BY: */s/ Kristofor Heald*

KRISTOFOR HEALD

State Bar No. 24058770

kheald@ewlawyers.com

AMY K. WITHERITE

State Bar No. 00788698

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500 E 4th Street, Suite 200

Fort Worth, TX 76102

817/263-4466

817/263-4477 (fax)

ATTORNEYS FOR PLAINTIFFS



FILED
DALLAS COUNTY
11/4/2015 3:08:15 PM
FELICIA PITRE
DISTRICT CLERK

FELICIA PITRE
DALLAS COUNTY DISTRICT CLERK

NINA MOUNTIQUE
CHIEF DEPUTY

CAUSE NO. DC-15-13502

YVONNE GRANT, et al

VS.

WILLIAM RATHBUN, et al

298th District Court

ENTER DEMAND FOR JURY

JURY FEE PAID BY: YVONNE GRANT

FEE PAID: \$30.00

600 COMMERCE STREET DALLAS, TEXAS 75202 (214) 653-7261
FAX (214)653-7781 E-mail: Felicia.Pitre@dallascounty.org
Web site: <http://www.dallascounty.org/distclerk/index.html>

EXHIBIT A3

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

**To: R & E ENTERPRISES OF MANKATO INC
BY SERVING BRUCE GOODRICH
55173 STATE HWY 68
MANKATO MN 56001**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **298th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **YVONNE D GRANT AND TOMMY JOE GRANT**

Filed in said Court **4th day of November, 2015** against

WILLIAM RAYMOND RATHBUN AND R & E ENTERPRISES OF MANKATO INC

For Suit, said suit being numbered **DC-15-13502**, the nature of which demand is as follows:
Suit on **MOTOR VEHICLE ACCIDENT** etc. as shown on said petition **REQUEST FOR DISCLOSURE, INTERROGATORIES, REQUEST FOR ADMISSIONS AND REQUEST FOR PRODUCTION**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 9th day of November, 2015.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By /s/ Gay Lane, Deputy
GAY LANE

ESERVE

CITATION

DC-15-13502

**YVONNE D GRANT, et al
vs.
WILLIAM RAYMOND RATHBUN, et al**

ISSUED THIS
9th day of November, 2015

FELICIA PITRE
Clerk District Courts,
Dallas County, Texas

By: GAY LANE, Deputy

**Attorney for Plaintiff
KRISTOFOR HEALD
EBERSTEIN & WITHERITE LLP
3100 MONTICELLO AVE
SUITE 500
DALLAS TX 75205
214-378-6665**



**DALLAS COUNTY
SERVICE FEES
NOT PAID**

EXHIBIT A4

OFFICER'S RETURN

Case No. : DC-15-13502

Court No.298th District Court

Style: YVONNE D GRANT, et al

vs.

WILLIAM RAYMOND RATHBUN, et al

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____ .M. Executed at _____,
within the County of _____ at _____ o'clock _____ .M. on the _____ day of _____,
20_____, by delivering to the within named

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____,
to certify which witness my hand and seal of office.

Notary Public _____ County _____

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

**To: WILLIAM RAY RATHBUN
500 EAGER CT SE #5
MADELIA MN 56062**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **298th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **YVONNE D GRANT AND TOMMY JOE GRANT**

Filed in said Court **4th day of November, 2015** against

WILLIAM RAYMOND RATHBUN AND R & E ENTERPRISES OF MANKATO INC

For Suit, said suit being numbered **DC-15-13502**, the nature of which demand is as follows:
Suit on **MOTOR VEHICLE ACCIDENT** etc. as shown on said petition **REQUEST FOR DISCLOSURE, INTERROGATORIES, REQUEST FOR ADMISSIONS AND REQUEST FOR PRODUCTION**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 9th day of November, 2015.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas
/s/ Gay Lane

By _____, Deputy
GAY LANE



ESERVE

CITATION

DC-15-13502

**YVONNE D GRANT, et al
vs.
WILLIAM RAYMOND RATHBUN, et al**

**ISSUED THIS
9th day of November, 2015**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: GAY LANE, Deputy

**Attorney for Plaintiff
KRISTOFOR HEALD
EBERSTEIN & WITHERITE LLP
3100 MONTICELLO AVE
SUITE 500
DALLAS TX 75205
214-378-6665**

**DALLAS COUNTY
SERVICE FEES
NOT PAID**

EXHIBIT A5

OFFICER'S RETURN

Case No. : DC-15-13502

Court No.298th District Court

Style: YVONNE D GRANT, et al

vs.

WILLIAM RAYMOND RATHBUN, et al

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____ .M. Executed at _____,
within the County of _____ at _____ o'clock _____ .M. on the _____ day of _____,
20_____, by delivering to the within named

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____,
to certify which witness my hand and seal of office.

Notary Public _____ County _____

CAUSE NO. DC-15-13502

YVONNE D. GRANT AND TOMMY JOE, GRANT	§	IN THE DISTRICT COURT OF
	§	
<i>Plaintiffs,</i>	§	
	§	
vs.	§	DALLAS COUNTY, TEXAS
	§	
WILLIAM RAYMOND RATHBUN AND R & E ENTERPRISES OF MANKATO, INC.	§	
	§	
<i>Defendants</i>	§	298 TH JUDICIAL DISTRICT

DEFENDANTS' ORIGINAL ANSWER TO PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, William Raymond Rathbun, and R & E Enterprises of Mankato, Inc. ("R&E Enterprises"), Defendants in the above-entitled and numbered action, and file their Original Answer to Plaintiffs' Original Petition and would respectfully show the Court as follows:

I. GENERAL DENIAL

A. As provided by Rule 92, Texas Rules of Civil Procedure, Defendants deny all material allegations contained in Plaintiffs' Original Petition, and demand strict proof thereof as required by law.

Defendants further say that:

B. Plaintiffs' injuries and damages were proximately caused by incidents and/or conditions prior to the incident made the subject of this suit and therefore were not caused by Defendants.

C. Plaintiffs' injuries and damages were proximately caused by incidents and/or conditions subsequent to the incident made the subject of this suit and therefore were not caused by Defendants.

D. To the extent Plaintiffs' alleged injuries and damages, if any, were solely or proximately caused by the acts and/or omissions of a(an) individual(s) and/or entity(ies) that are not parties to the suit, these Defendants are not liable.

E. Defendants affirmatively maintain the acts and omissions of certain responsible third parties and/or persons who are not parties to this lawsuit, and over whom Defendants had no control and for whom they have no liability, were the sole, proximate, or producing cause of any alleged injuries or damages claimed by Plaintiffs.

F. Defendants deny that this incident caused the full extent of Plaintiff's claimed injuries and deny that alleged medical expenses sought by Plaintiff are reasonable or necessary or based on unusual and customary fees.

II. AFFIRMATIVE DEFENSES

In the alternative and without waiving the foregoing denials:

A. Defendants affirmatively maintain that Plaintiff driver involved in the alleged accident committed various acts and omissions that were negligent, which negligent conduct proximately caused the Plaintiff driver's alleged injuries/damages. Thus Plaintiff driver's own negligence bars her recovery entirely or, in the alternative, proportionally reduces such recovery, according the Texas law governing the doctrine of comparative fault . Furthermore, to the extent any claims raised by the non-driver Plaintiff are only derivative of the alleged claims or injuries of the driver Plaintiff, such claims by the non-driver Plaintiff are barred entirely by the driver Plaintiff's comparative fault or, in the alternative, proportionally reduced. To the extent the non-

driver Plaintiff suffered any injury or damages other than those derived from claims of the driver Plaintiff, Defendants assert their right to have the comparative fault of the driver Plaintiff to the finder of fact for determination, as required by Texas law, including Chapter 33 of the Civil Practice and Remedies Code.

B. Defendants affirmatively plead the provisions of each and every limitation available under Texas law which limits the recoverability of pre-judgment and post-judgment interest.

C. Defendants affirmatively plead the statutory defense set forth in § 41.0105 of the Texas Civil Practice & Remedies Code Annotated. In that regard, Defendants maintain that any recovery of medical and/or healthcare expenses by the Plaintiffs is limited to the amount actually paid or incurred by the Plaintiffs or on the Plaintiff's behalf.

D. Defendants further say that Plaintiffs have failed to act reasonably to mitigate their alleged damages or injuries.

E. While denying liability, Defendants affirmatively plead Plaintiffs are limited in any recovery of lost earnings, loss of earning capacity, or loss of contributions of a pecuniary value to a net loss after reduction for income tax payments or unpaid tax liability pursuant to any federal tax law. *See* TEX. CIV. PRAC. REM. CODE ANN. §18.091(a).

III. JURY DEMAND

Defendants request a trial by jury.

IV. RIGHT TO AMEND OR SUPPLEMENT

Defendants reserve the right to amend or supplement this Answer at a later time.

WHEREFORE, PREMISES CONSIDERED, Defendants William Raymond Rathbun and R & E Enterprises of Mankato, Inc. respectfully request the Court order that Plaintiffs take

nothing by virtue of this lawsuit; that Defendants recover their costs and attorney's fees; and for such other and further relief to which Defendants may show themselves justly entitled.

Respectfully submitted,

DATED: December 17, 2015

By: /s/ Jeffrey T. Lucky

JEFFREY T. LUCKY

State Bar No. 12667350

RAY McCHRISTIAN & JEANS, P.C.

5822 Cromo Drive, Suite 300

El Paso, Texas 79912

915-832-7200

915-832-7333 – FAX

JEFFREY D. PARKS

State Bar No. 24076607

RAY McCHRISTIAN & JEANS, P.C.

Mallick Tower

101 Summit Ave, Suite 705

Fort Worth, Texas 76102

*Attorneys for Defendants William Raymond
Rathbun and R & E Enterprises of Mankato, Inc.*

CERTIFICATE OF SERVICE

In compliance with Texas Rule of Civil Procedure 21a (e), I, certify that on December 17, 2015, a true and correct copy of the foregoing document filed electronically with the clerk of the Court in accordance with Texas Rule of Civil Procedure 21 (f)(1), was served on the party or attorney pursuant to Texas Rule of Civil Procedure 21a (a)(1), or (a)(2).

The following parties or attorney(s) are served with the foregoing document:

Kristofor S. Heald

Amy K. Witherite

Eberstein & Witherite, LLP

500 E. 4th Street, Suite 200

Fort Worth, Texas 76102

817-263-4466

817-263-4477 facsimile

Attorneys for Plaintiffs

/s/ Jeffrey T. Lucky

JEFFREY T. LUCKY

298TH DISTRICT COURT
GEORGE L. ALLEN, SR. COURTS BUILDING
600 COMMERCE STREET
DALLAS, TEXAS 75202-4604

December 19, 2015

JEFFREY THOMAS LUCKY
801 N EL PASO STREET
EL PASO TX 79902

DC-15-13502
YVONNE GRANT, et al vs. WILLIAM RATHBUN, et al

ALL COUNSEL OF RECORD/PRO SE LITIGANTS:

PLEASE TAKE NOTE OF THE FOLLOWING SETTINGS:

JURY TRIAL: 11/07/2016 @ 9:00 AM

TRIAL ANNOUNCEMENTS MUST BE MADE IN ACCORDANCE WITH RULE 3.02, LOCAL RULES OF THE CIVIL COURT OF DALLAS COUNTY, TEXAS.

WHEN NO ANNOUNCEMENT IS MADE FOR DEFENDANT, DEFENDANT WILL BE PRESUMED READY. IF NO PLAINTIFF FAILS TO ANNOUNCE OR TO APPEAR AT TRIAL, THE CASE WILL BE DISMISSED FOR WANT OF PROSECUTION IN ACCORDANCE WITH RULE 165a, TEXAS RULES OF CIVIL PROCEDURE.

COMPLETION OF DISCOVERY, PRESENTATION OF PRETRIAL MOTIONS AND OTHER MATTERS RELATING TO PREPARATION FOR TRIAL ARE GOVERNED BY THE TEXAS RULES OF CIVIL PROCEDURE.

PLEASE FORWARD A COPY OF THIS NOTICE TO COUNSEL OF RECORD FOR EACH PARTY AND ALL PRO SE PARTIES BY A METHOD APPROVED IN TEXAS RULES OF CIVIL PROCEDURE 21a.

SINCERELY,

EMILY TOBOLOWSKY
JUDGE, 298TH DISTRICT COURT
DALLAS COUNTY, TEXAS

Cc:
JEFFREY THOMAS LUCKY; KRISTOFOR HEALD

EXHIBIT A7

CAUSE NO. DC-15-13502

YVONNE D. GRANT AND TOMMY JOE, GRANT	§	IN THE DISTRICT COURT OF
	§	
<i>Plaintiffs,</i>	§	
	§	
vs.	§	DALLAS COUNTY, TEXAS
	§	
WILLIAM RAYMOND RATHBUN AND R & E ENTERPRISES OF MANKATO, INC.	§	
	§	
<i>Defendants</i>	§	298 TH JUDICIAL DISTRICT

NOTICE OF REMOVAL TO THE STATE COURT

TO THE HONORABLE JUDGE OF SAID COURT:

Notice is hereby given that William Raymond Rathbun and R & E Enterprises of Mankato, Inc., Defendants in the above-entitled and numbered action, has on this date filed a Notice of Removal, a copy of which is attached hereto as Exhibit 1, in the office of the Clerk of the United States District Court for the Northern District of Texas, Dallas, Division. Defendants, upon filing the Notice of Removal in Federal Court, file a copy of the same with the clerk of the 298th Judicial District of Dallas County, Texas in accordance with § 1446(d) of Title 28, United States Code. Defendants respectfully request this Court proceed no further in this matter unless and until such time as the matter may be remanded by order of the United States District Court.

Respectfully submitted,

DATED: December 21, 2015

By: /s/ Jeff Lucky
JEFFREY T. LUCKY
State Bar No. 12667350
RAY McCHRISTIAN & JEANS, P.C.
5822 Cromo Drive, Suite 300
El Paso, Texas 79912
915-832-7200
915-832-7333 – FAX

JEFFREY D. PARKS
State Bar No. 24076607
RAY McCHRISTIAN & JEANS, P.C.
Mallick Tower
101 Summit Ave, Suite 705
Fort Worth, Texas 76102

*Attorneys for Defendants William Raymond
Rathbun and R & E Enterprises of Mankato, Inc.*

CERTIFICATE OF SERVICE

In compliance with Texas Rule of Civil Procedure 21a (e), I, certify that on December 21, 2015, a true and correct copy of the foregoing document filed electronically with the clerk of the Court in accordance with Texas Rule of Civil Procedure 21 (f)(1), is served on the party or attorney electronically pursuant to Texas Rule of Civil Procedure 21a (a)(1), or if the email address of the party or attorney is not on file with the electronic filing manager then service is accomplished pursuant to Texas Rule of Civil Procedure 21a (a)(2).

The following parties or attorney(s) are served with the foregoing document:

Kristofor S. Heald
Amy K. Witherite
Eberstein & Witherite, LLP
500 E. 4th Street, Suite 200
Fort Worth, Texas 76102
817-263-4466
817-263-4477 facsimile

Attorneys for Plaintiffs

/s/ Jeff Lucky
JEFFREY T. LUCKY